

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8098 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SUNITA KARUKARAN PILLAI

Versus

STATE OF GUJARAT

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Appearance:

MR YS LAKHANI for Petitioner

MR PR JOSHI for MR VIJAY H PATEL for Respondent No. 1

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 06/12/96

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.P.R.Joshi,  
learned Advocate appearing for Mr.V.H.Patel, appearing  
for the respondent Board.

2. The petitioner, student in English medium,  
appeared in the S.S.C. Examination conducted in October  
1996. In so far as the subject of Mathematics is

concerned he reached the examination hall in time, but he was provided with the question paper in English medium 1-1/2 hours late. This resulted in petitioner failing in the examination in so far as the subject of mathematics is concerned. On ascertainment of the fact so alleged by the petitioner it has fairly been conceded by the respondent that the question paper was supplied late as alleged by the petitioner. However, the stand of the respondent is that the teacher, who attended the examination hall, has translated the paper appearing in Gujarati medium into english and that is how the present student attended the paper and failed. This explanation would itself go to show that the petitioner - student was handicapped to a large extent. In that view of the matter it would be just and proper if the appropriate direction is issued against the Board to hold re-test/re-examination of the student who has filed this petition.

In the facts of the case and in view of what is stated above it is hereby directed that the examination of the petitioner - student in so far as the subject of mathematics is concerned, shall be held afresh on or before 31st December, 1996 by intimating appropriate date of examination to the petitioner at-least a week before such date. Rule made absolute only to the aforesaid term. No order as to costs.

Direct service permitted.

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